

On April 20, 2007, this Court issued an Order to Show Cause regarding appointment of a Court Expert to facilitate coordination of the remedial processes in this case with three other prison class actions: *Coleman v. Schwarzenegger*, 90-0520 (E.D. Cal.), *Plata v. Schwarzenegger*, 01-1351 (N.D. Cal.), and *Perez v. Tilton*, 05-5241 (N.D. Cal.) (“the other class actions”). Pursuant to that Order, plaintiffs and defendants filed statements of position. On April 30, 2007, after reviewing the statement of the parties, this Court issued an Order re Appointment of Court Expert (“April 30 Order”).

The April 30 Order denied defendants’ request to appoint a Special Master. The April 30 Order requires the parties to meet and confer regarding candidates for Court-appointed Expert, to make a proposal for briefing the Court Expert on the case, and to file a joint statement outlining the Court Expert’s duties. The parties met and conferred, and were unable to agree on a candidate for Expert. The parties filed a Joint Statement including proposed candidates and a Proposed Order on May 30, 2007.

The Court, having reviewed the Joint Statement, and having considered the entire record in this case and good cause appearing, pursuant to Federal Rule of Evidence 706, hereby issues the following Order:

Appointment

1. Edward Swanson is hereby appointed as this Court’s Rule 706 Expert, with the limited powers and duties described herein.

Expert’s Duties

2. The Expert’s duties shall be limited to assisting the Court and parties in facilitating coordination of enforcement of the May 30, 2006 and January 18, 2007 Injunctions with the remedial processes in the other class actions, particularly with regard to four areas of coordination:

- a. **Tracking.** The Expert will coordinate with the parties and other class actions to implement the Injunction’s required state-wide, computerized, networked real-time tracking system to track prisoners with disabilities as described in the Injunction;
- b. **Accountability.** The Expert will coordinate with the parties and other class actions to implement the Injunction’s required accountability system as applied to prison medical administrators;

1 the costs of this action.

2 7. The Expert periodically, and in no event less frequently than once every three
3 months, shall submit to the Court and serve on the designated representatives of defendants
4 and plaintiffs, an itemized statement of the Expert's fees and expenses, which shall be
5 payable upon receipt.

6 8. Defendants are hereby ordered to deposit, within 30 days of the date of this
7 Order, the sum of \$100,000 with the Clerk of this Court as an interim payment of costs,
8 which shall be invested in an interest-bearing account. All interest earned in the account
9 shall accrue to the benefit of defendants. When the above sum is substantially drawn down
10 by payments to the Expert, the Court may order defendants to deposit additional sums with
11 the Clerk of the Court.

12 **Miscellaneous Provisions**

13 9. At the request of the Court, the Expert shall attend any negotiations, mediation
14 sessions, or court hearings.

15 10. The Expert shall be available to meet with the parties jointly, in person, or by
16 telephone in a manner that is reasonable and convenient.

17 11. Either party may move the Court to modify this order or to terminate the
18 Expert's coordination duties by filing a motion and supporting documents showing that
19 defendants are in compliance with the four coordination areas required by the January 18th
20 Injunction and that such coordination is no longer necessary.

21 **IT IS SO ORDERED.**

22 Dated: June 11, 2007

23 By:



24 THE HONORABLE CLAUDIA WILKEN
25 UNITED STATES DISTRICT JUDGE
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